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Helsinki Commission Hearing, Seeking Justice and Freedom in Belarus

Testimony of Tatsiana Khomich,

Coordination Council Representative for political prisoners, Viktor Babaryka

Team Coordinator, and sister of political prisoner Maria Kalesnikava

As of September 18th, 675 individuals are recognized as political prisoners in Belarus. According to the Belarusian Investigative Committee, 4,690 criminal cases connected to the post election protests were opened as of July 30th, 2021.

Most likely you are familiar with a story of a courageous woman, my sister Maria Kalesnikova, who was snatched from the street in downtown Minsk by unidentified masked men on September 7, 2020. In November 2020, while in a pre-trial detention centre, Maria recounted the story of her abduction and intimidation, which was subsequently published in the media.

“After my abduction, they dragged me by force into the office of Nikolai Karpenkov, the head of the Directorate Combating Organized Crime and Corruption of the Ministry of Internal Affairs, where he yelled, insulted and intimidated me. In his office, the "conversation" took place with two other gentlemen: Gennadi Kazakevich, First Deputy Minister of Internal Affairs and Andrei Pavlyuchenko, head of the Operations and Analysis Center under the President of the Republic of Belarus. They delivered an ultimatum: either I am leaving the country and from abroad I can do whatever I want, or they will force me out - alive or in parts. They will break my fingers and lock me up for 25 years in prison where I will sew shirts for the security forces. The conversation lasted a couple of hours with a break for “rest” in a solitary confinement cell,” says Maria Kolesnikova.

After that Maria was transferred to the KGB’s pre-trial detention centre, searched and placed under solitary confinement. Several hours later another “conversation” with members of security forces took place.

Next day the security forces tried to forcibly remove Maria from Belarus. Despite all the threats, she foiled their deportation plan, tore her passport into pieces at the border with Ukraine and walked back towards the Belarus border. Since then Maria has been under arrest.

On September 6, 2021, Maria Kalesnikova and Maxim Znak were found guilty under three articles of the Criminal Code:

- inciting action aimed at damaging national security
- conspiracy to illegally seize power
- creation of an extremist group

Minsk District Court sentenced Maria Kalesnikova to 11 years in a general regime penal colony, while Maxim Znak was sentenced to 10 years in an enhanced regime penal colony. Maxim Znak was a lawyer for Victor Babariko’s campaign headquarters and a legal counsel for Svetlana Tikhonovskaya. On August 21, 2020, Maxim filed a claim on behalf of Ms. Tikhonovskaya with the Belarusian Supreme Court, requesting the election results be ruled invalid.

These are some of the longest sentences issued to a political prisoner. Maria, Maxim and their lawyers are appealing the verdict in the Belarusian Supreme Court.

Since the investigation began in September 2020, Maria's lawyers have been under gag orders. The trial was closed to the public, which means that neither relatives nor media nor observers were able to attend court hearings. Prosecutions' accusations, and evidence of the crime were never made public.

Maria's lawyers are also being prosecuted. They are under immense pressure from the authorities:

- criminal cases were initiated against two lawyers (Maxim Znak - sentenced to 10 years in prison, Ilya Salei - was able to leave Belarus in July 2021 after being released on bail)
- two lawyers were disbarred (Alexander Pylchenko, Lyudmila Kazak);
- one of the lawyers, Lyudmila Kazak, was abducted by unidentified people and detained for a day, allegedly for participating in an unauthorized event. As it was impossible to prove her participation in said event, Ms. Kazak was fined for disobeying the lawful demands of police officers.

Meetings between Maria and her lawyers in the pre-trial detention center are held in rooms designated for meetings with especially dangerous criminals. Maria and her lawyer are separated by a blank partition, and they can see each other only through a small transparent glass.

During the past 12 months in prison, Maria has only seen her cellmates, lawyers, investigators, and guards. Maria wasn't allowed to even meet our dad. On September 7, 2021, exactly one year after her arrest, Maria was allowed one 1-hour meeting with our dad in the pre-trial detention centre.

Sometimes she does not receive letters for 3-4 weeks, although we know that people from all around the world send her hundreds of them. In the best case, she only gets several dozens.

Now imagine that there are at least 675 stories like this. Some political prisoners get sick with COVID, and then they are quarantined with healthy cellmates for 10 days. They don't receive any medical care. Some suffer from chronic diseases. Often they are driven to despair and go on hunger strikes like Igor Losik, Maxim Znak and Inessa Studzinskaya. Some try to kill themselves like Stepan Latypov. There is a case of death in the colony: Vitold Ashurak died under obscure circumstances.

Who are political prisoners in Belarus?

They are 675 ordinary people. Taxi drivers, factory workers, students, CEOs of start-ups, retirees, and engineers.

- Journalists

- Presently 28 journalists are recognized as political prisoners
- Igor Losik. Administrator of the telegram channel "Belarus of the Brain" and freelance consultant with "Radio Liberty". He was detained before the August protests, but is accused of preparing and taking part in post election riots. When he was charged, Igor slit his wrists right in the investigator's office. Shortly before that he wrote in a letter: "It would have been better if they shot me right away." Igor went on a dry hunger strike twice. The first time he was on a hunger strike for 40 days. Second time he started a hunger strike following presentation of more severe charges; the strike lasted for 4 days, due to the immense pressure applied to him in the pre-trial detention center. Among other things, he was placed in a punishment cell for refusing to eat. To this day, the charges brought against him, including specific articles of the Criminal Code, remain unknown.
- Also behind bars are the editor-in-chief of TUT.BY Maria Zolotova, head of TUT.BY political section Olga Loiko, as well as TUT.BY journalist Elena Tolkcheva. They are all charged with tax evasion. The charge is fraudulent, since TUT.BY was registered as a resident of the Hi-Tech Park and was eligible for tax breaks. However, now the state ruled that the media company did not have the right to do so.

- Students and teachers

- 46 representatives of the academic community are suspects or convicted under criminal charges.
- 12 people were sentenced to 2-2.5 years in prison for student activism.
- Svetlana Tikhanovskaya's representative for youth and student affairs, Alana Gebremariam, was also accused in the student case ("Trial of Youth") and sentenced to 2.5 years in prison. She is still in the pre-trial detention centre. She almost never gets the letters. Her replies to the few letters she does receive almost never make it past the centre's censorship team. In her last address, Alana said: "It is important for me to remain human in any situation. I do not regret not lying and not being a hypocrite in front of myself and others"
- Student at the European Humanities University and human rights activist of the Human Rights Center "Viasna" Marfa Rabkova has been in custody for a year. The court date is yet to be scheduled. More and more charges are being brought against her. As of now Martha faces up to 12 years in prison.
- Aleksey Minov, teacher at one of the country's best lyceums (Belarusian State University lyceum) was detained twice. The first time

he and his friends were detained by the KGB, right on the street near the shopping center. They were interrogated for several hours, their mobile phones were confiscated; they were eventually released. A few weeks later he was invited to pick up the confiscated things and was detained there for the second time and was not released. Aleksey has been in jail since August 25 and is recognized as a political prisoner.

- Minors

- Mitskevich and Kirik. Mitskevich fled the country, Kirik was sentenced to 2 years in prison.
- Dmitry Strizhak. At the time of the arrest he was 15 years old, so he could not be sentenced. Criminal responsibility under the articles he was charged with begins at the age of 16. Dima will spend another year and a half in a closed correctional educational institution.

- Retirees

- Galina Derbysh (she is not officially a political prisoner, because she is charged under a “violent” article). She is in custody in connection with the “Autukhovich case”. Galina's relatives claim that she is being tortured in the pre-trial detention center. Galina is a person living with disability, she has cancer.
- Igor Kopanayko. Retired member of the military and a reserve officer. After the murder of Roman Bondarenko, he blocked the door to the office of the representative of the Central District Department of Internal Affairs of Minsk. It was this representative who stated that Roman Bondarenko was drunk and is the one to blame for his own death. Igor was sentenced to 1.5 years in prison.

- Human rights defenders and activists

- 7 human rights defenders are now recognized as political prisoners and all of them are from the Human Rights Centre “Viasna”. Members of this organization have been subjected to more than 50 searches.
- Pavel Sevyarynets. He was sentenced to 4 years in a general regime penal colony. The trial was closed, hence the charges he was convicted on are still unknown. Pavel's wife, Olga Sevyarynets, said that during the investigation he was almost never interrogated. He met with the investigator once every 2 months only to have his detention term extended.
- Nikolai Statkevich. He was detained on May 30, 2020, long before the August events. However, he is accused of organizing post-election protests. The investigation charged him with "using modern political

technologies to create mistrust among the population and incite negative attitude towards representatives of the state." This is the 5th time that Mikalai is recognized as a political prisoner.

- Sergey Tikhanovsky. In early May, he expressed a desire to participate in the presidential race, but was detained before he had a chance to submit his documents to the Central Electoral Commission. Then Sergey's wife, Svetlana Tikhanovskaya, registered as a candidate. Sergey became the head of her campaign headquarters, and was subsequently detained at a picket. Despite the fact that all the pre-election pickets were officially sanctioned, Sergei was initially detained for "actions that grossly violate public order." Since then 4 other charges were brought against Tikhanovsky. He faces up to 15 years in prison.

The lengths of sentences given to political prisoners are horrifying:

- Denis Urad. Sentenced to 18 years in prison. According to the pro-government media, on March 14, 2021, while on duty, Denis Urad photographed a secret letter from the Minister of the Interior to the Minister of Defense and "sent it to the Polish Telegram channel." Denis is 29 years old, he is married and has a child. On May 14th, it became public knowledge that Belarusian Supreme Court sentenced Denis Urad to 18 years in high security prison for "state treason." The verdict came into force from the moment it was announced. It is not subject to appeal.
- Victor Babariko. The former presidential candidate, who gathered the largest initiative group among opposition candidates, and collected 435,000 signatures during the election campaign. He was detained on the way to the Central Electoral Commission together with his son Edward. He was accused of money laundering, bribery on an especially large scale and repeated bribes. Victor did not admit his guilt and insisted on his complete innocence, but was nonetheless sentenced to 14 years in a high security prison.
- Maria Kalesnikova. Coordinator of the campaign headquarters of Victor Babariko. The court found her guilty under 3 articles of the Criminal Code and sentenced to 11 years in prison.
- Maxim Znak. Lawyer of the Babariko's campaign headquarters, and lawyer of Svetlana Tikhanovskaya. Sentenced to 10 years in an enhanced regime penal colony.

And this is only a small share of the politically motivated criminal cases.

On September 16, 13 people were released, pardoned by the presidential decree. These individuals committed "Internet crimes" or participated in "riots". Earlier on August 19th, three employees of the Press Club of Belarus were released. They are released after filing petitions for clemency, thus agreeing to the crimes they've been charged with. Some of them had their sentence type changed to a softer one, which means that they remain under criminal prosecution.

In the meantime, hundreds of political prisoners are kept in Belarusian jails in awful conditions under false politically motivated accusations, serving unjust and unlawful sentences. The number of Belarusian political prisoners continues to grow and people are accused of being disloyal to the state. They receive huge sentences, are sent to prisons and sacrifice their freedom, and sometimes their lives.

The hope of resolving this crisis is vanishing, as this dire situation inevitably leads to a deadlock. Prolonged political standoff is likely to further destabilize the region. This crisis will likely result in a complete annihilation of the civil rights of Belarusians. And the prospects of any political transformation in Belarus will disappear.

In the current situation, time plays into Lukashenka's hand.

1. Firstly, Lukashenka's regime adapts to the sanctions, which are slowly becoming the new normal thus weakening the negotiation position of the West.
2. Secondly, over time, events in other countries attract the attention of the world, and interest in Belarusian affairs decreases.

Possible resolution:

It is imperative to sustain focus on the situation in Belarus, so that Belarus does not disappear from the agenda, and the situation in Belarus does not become a dead end.

This continuous attention will provide an opportunity to periodically check the readiness of Belarusian authorities for dialogue, negotiations and changes.

Resolution of the current crisis at an opportune moment through a series of constructive negotiations involving the representatives of the European Union and the United States appears to be most preferred by all the parties. The goal of the communication is to release all political prisoners and put an end to repressions.

A possible negotiation with Aliaksandr Lukashenka initiated in time can lead not only to the release of political prisoners and end of the repressions, but also allow for the recovery of the civil society in Belarus and reinstatement of the fundamental civil rights and freedoms.

I want to end my speech with the words of my brave and beloved sister Maria.
“Life in Germany and Europe has taught me a lot - especially respect for human dignity and the value of human life. These are the values that the Belarusian people are defending and for which they are now fighting. Of course, we are only at the beginning of a long journey, but I am absolutely sure that the time will come when fundamental human rights will be observed, human dignity and human life will become an unconditional value.
It's priceless! Thank you! You are incredible!”